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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,784	06/19/2000	James Crawford	06975-097001	4992

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EXAMINER
BAUGH, APRIL L

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td colspan="3"></td></tr>
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	Application No.	Applicant(s)
Office Action Summary	09/597,784	CRAWFORD, JAMES
	Examiner	Art Unit	
	April L. Baugh	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-40 and 45-64* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-40 and 45-64* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None .of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

Claims 1, 14, 29, 30-31 and 36 are amended and claims 53-64 are new; therefore claims 1-40 and

45-64 are now pending.

Response to Arguments

Applicant's arguments with respect to claims 1, 14, 29-31, 36, and 45 have been considered but

are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-40 and 45-64 rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent No. 6,513,066 to Hutton et al. in view of Haumont et al. (US 2002/0097709)

Regarding claims 1, 29, and 31, Hutton et al. teaches a method, apparatus, and computer

program, stored on a computer readable medium for transferring a file from a first client

associated with a first subscriber to a communications system to a second client associated with a

second subscriber to the communications system, the method comprising: connecting from the

first client to a communications system host; sending, through the communications system host,

a request to the second client to establish a direct connection to the second client (column 7, lines 3-13 and 21-26); establishing a direct connection to the second client that bypasses the communications system host; and transferring a file over the direct connection (column 7, lines 34-40 and column 7, line 66 through column 8, line 14 and column 8, line 50 through column 9, line 15).

Hutton et al. does not teach if a user of the second client accepts the request; establishing a direct connection to the second client that bypasses the communications system host. Haumont et al. teaches if a user of the second client accepts the request; establishing a direct connection to the second client that bypasses the communications system host (page 2, section 0017-0018). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for establishing point-to-point internet communication of Hutton et al. by if a user of the second client accepts the request; establishing a direct connection to the second client that bypasses the communications system host because this provides security for the 2nd client by allowing them to decide whether to directly communicate with another client on the network.

Regarding claims 14, 30, and 36, Hutton et al. teaches a method, apparatus, and a computer program, stored on a computer readable medium for transferring a file from a first client associated with a first subscriber to a communications system to a second client associated with a second subscriber to the communications system, the method comprising: connecting from the second client to a communications system host; receiving, through the communications system host, a request from the first client to establish a direct connection (column 7, lines 3-13 and 21-26); establishing a direct connection to the first client that bypasses the communications

system host; and receiving a file over the direct connection (column 7, lines 34-40 and column 7, line 66 through column 8, line 14 and column 8, line 50 through column 9, line 15).

Hutton et al. does not teach enabling a user to accept the request from the first client; establishing a direct connection to the second client that bypasses the communications system host. Haumont et al. teaches enabling a user to accept the request from the first client; establishing a direct connection to the second client that bypasses the communications system host (page 2, section 0017-0018). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for establishing point-to-point internet communication of Hutton et al. by enabling a user to accept the request from the first client; establishing a direct connection to the second client that bypasses the communications system host because this provides security for the 2nd client by allowing them to decide whether to directly communicate with another client on the network.

Referring to claim 45, Hutton et al. teaches a user interface configured to enable to acceptance or rejection of a file transfer from a first client associated with a first subscriber to a communications system to a second client associated with a second subscriber to the communications system, the user interface comprising: a first graphical user interface element structured and arranged to notify an operator of the second client of a request by the first client to establish a direct connection to the second client, the request being communicated to the second client by a communications system host and the direct connection bypassing the communications system host (column 7, lines 3-13 and 21-26); and a file transfer over the direct connection (column 7, lines 34-40 and column 7, line 66 through column 8, line 14 and column 8, line 50 through column 9, line 15).

Hutton et al. does not teach and a second graphical user interface element structured and arranged to enable an operator of the second client authorize the establishment of the direct connection. Haumont et al. teaches and a second graphical user interface element structured and arranged to enable an operator of the second client authorize the establishment of the direct connection (page 2, section 0017-0018). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for establishing point-to-point internet communication of Hutton et al. by and a second graphical user interface element structured and arranged to enable an operator of the second client authorize the establishment of the direct connection because this provides security for the 2nd client by allowing them to decide whether to directly communicate with another client on the network.

Regarding claims 2 and 15, Hutton et al. teaches the method of claim 1 and 14, wherein the request is authenticated by the communications system host (column 11, lines 59-60).

Regarding claims 3 and 16, Hutton et al. teaches the method of claim 1 and 14, wherein the second client accepts the request based on indicated preferences of the second subscriber (column 6, lines 28-54).

Regarding claims 4 and 17, Hutton et al. teaches the method of claim 1 and 14, wherein the direct connection is initiated by the second client (column 7, lines 66 through column 8, line 14).

Regarding claims 5 and 18, Hutton et al. teaches the method of claim 1 and 14, wherein the direct connection to the second client is established using an IP address of the second client (column 2, lines 20-25).

Regarding claims 6 and 19, Hutton et al. teaches the method of claim 1 and 14, further comprising displaying a graphical user interface indicating that a direct connection to the second client is established (column 8, lines 41-45).

Regarding claims 7 and 20, Hutton et al. teaches the method of claim 1 and 14, wherein the communications system host comprises an instant messaging host (column 1, lines 19-21 and 46-48).

Regarding claims 8 and 21, Hutton et al. teaches the method of claim 1 and 14, wherein the file comprises a data file (column 4, lines 27-28).

Regarding claims 9 and 22, Hutton et al. teaches the method of claim 1 and 14, wherein the file comprises a text file (column 1, lines 40-42).

Regarding claims 10 and 23, Hutton et al. teaches the method of claim 1 and 14, wherein the file comprises a graphics file (column 1, lines 22-23).

Regarding claims 11 and 24, Hutton et al. teaches the method of claim 1 and 14, wherein the file comprises an audio file (column 1, lines 22-23).

Regarding claims 12 and 25, Hutton et al. teaches the method of claim 1 and 14, wherein the file comprises a video file (column 1, lines 22-23).

Regarding claims 13 and 28, Hutton et al. teaches the method of claim 1 and 14, wherein the direct connection is a socket connection (column 7, lines 21-22).

Regarding claim 26, Hutton et al. teaches the method of claim 14, further comprising receiving an indication that the first subscriber using the first client is composing a message (column 7, lines 36-39).

Regarding claim 27, Hutton et al. teaches the method of claim 26, further comprising

receiving the message composed by the first subscriber from the first client (column 7, line 66

through column 8, lines 3).

Referring to claims 32 and 37, Hutton et al. teaches the method of claim 31 and 36

wherein the computer readable medium comprises a disc (column 4, lines 17-19 and 28-30).

Regarding claims 33 and 38, Hutton et al. teaches the method of claim 31 and 36 wherein

the computer readable medium comprises a client device (column 3, lines 34-35).

Regarding claims 34 and 39, Hutton et al. teaches the method of claim 31 and 36 wherein

the computer readable medium comprises a host device (column 3, lines 34-35).

Regarding claims 35 and 40, Hutton et al. teaches the method of claim 31 and 36 wherein

the computer readable medium comprises a propagated signal (column 3, lines 17-21).

Regarding claim 46, Hutton et al. teaches the user interface of claim 45 wherein the first

graphical user interface element is a dialog box (Fig.5 & 6, column 9, lines 43-62 and column

10, line 40-column 11, line 3).

Referring to claim 47, Hutton et al. teaches the user interface of claim 45 wherein the

second graphical user interface element includes a set of sub elements selectable by the recipient

to authorize or reject establishment of the direct connection (Fig.5 & 6, column 9, lines 43-62

and column 10, line 40-column 11, line 3).

Regarding claim 48, Hutton et al. teaches the user interface of claim 47 wherein the sub

elements are option buttons (Fig.5 & 6, column 9, lines 43-62 and column 10, line 40-column 11,

line 3).

Referring to claim 49, Hutton et al. teaches the user interface of claim 47 wherein the sub

elements include a sub element selectable to authorize the direct connection (Fig.5 & 6, column

9, lines 43-62 and column 10, line 40-column 11, line 3).

Regarding claim 50, Hutton et al. teaches the user interface of claim 47 wherein the sub

elements include a sub element selectable to reject the direct connection (Fig.5 & 6, column 9,

lines 43-62 and column 10, line 40-column 11, line 3).

Referring to claim 51, Hutton et al. teaches the user interface of claim 47 wherein the sub

elements include a sub element selectable to ignore the request (Fig.5 & 6, column 9, lines 43-62

and column 10, line 40-column 11, line 3).

Regarding claim 52, Hutton et al. teaches the user interface of claim 47 wherein the sub

elements include a sub element selectable to warn the first client not to send future requests for a

direct connection to the second client (Fig.5 & 6, column 9, lines 43-62 and column 10, line 40-

column 11, line 3).

Regarding claim 53, 55, and 57, Hutton et al. teaches the method of claim 1, 29, and 31

wherein connecting the first client to a communication system host includes connecting from the

first client to the communication system host (abstract and fig.1).

Regarding claim 54, 56, and 58, Hutton et al. teaches the method of claim 14, 30, and 36

wherein connecting the second client to a communications system host includes connecting from

the second client to the communications system host (abstract and fig.1).   .

Regarding claim 59-64, Hutton et al. teaches the method of claim 1, 14, 29, 30, 31, and

36 further comprising enabling the user to perceive the request and monitoring a response by the

user to the request (abstract and column 2, lines 6-25 and column 7, lines 21-40).

Conclusion

1.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to direct file transfer in general: Morvan et al. and Fanning et al.

2.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L. Baugh whose telephone number is 571-272-3877. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER